

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (Lodging) No. 492 OF 2007
IN
EXECUTION APPLICATION No. 283 OF 2006
IN

PAUPER PETITION No. 4 OF 1996
IN
SUMMARY SUIT No. 3993 OF 1997

Suresh Sawant ... Appellant

Vs.

Rabindra B. Satam & Ors. ... Respondent

Mr. Suresh G. Sawant, appellant in person.

Mr. P. G. Lad, AGP for the respondent No.3.

**CORAM : R. M. S. KHANDEPARKAR
AND
D. G. KARNIK, JJ.**

DATE : JUNE 7, 2007.

PC :-

. In this appeal the order dated 17th April 2007 passed by the learned Single Judge is under challenge. By the impugned order, the learned Single Judge has observed that appellant is not entitled to file the application filed by him. The said finding is clearly born from the record, as it is apparent

that the suit filed by the appellant was also dismissed on 6th February 1992, and even appeal filed against the same was dismissed. The Execution proceedings which were taken out by the appellant were also dismissed, as it was not an executable order in favour of the appellant and a proper order in that regard was passed on 13th October 1999.

2. In spite of as above, it appears that the appellant filed number of applications, even thereafter, and one of such applications was dismissed on 10th November 2003 by a speaking order. Even then the appellant continued to file applications after applications and consequently order came to be passed on 25th November 2003 in Misc. Petition No. 35 of 2001 in terms of Section 203 of the Maharashtra Vexatious Litigation (Prevention) Act 1971 (hereinafter referred to as the "said Act"), the petition was taken out by the learned Advocate granted for the State, in terms of Section 2 of the said Act. Even thereafter the appellant continued to file applications after applications, and the

impugned order has been passed in one such application. The present appeal which is sought to be filed is also frivolous one and questions of grant of leave to pursue the same does not arise, as the matter having been concluded by the dismissal of the suit and the appeal . Question of quashing of non-executable decree does not arise at all.

3. It was sought to be argued by the appellant in person that he is a poor person, and therefore, he is not able to approach the Apex Court against the order of this Court, and therefore, he is left with no alternative than to file this application before this Court itself. Once it is evident from the record that the proceedings initiated by the appellant were concluded by dismissal thereof, and such dismissal was confirmed by the appellate authority of this Court, in case the appellant desires to challenge the same he can do so only in the Apex Court. Nothing prevents appellant from approaching the Free Legal Aid Services Committee . Being so, poverty by birth does not entitle the applicant to approach this

Court again and again with the applications after applications, in spite of having been made aware that no such application cannot be entertained by this Court. In fact, such conduct on the part of the applicant results in great of inconvenience to the Court as well as waste of the Court time. Though this time, we refrain from imposing costs, the applicant is warned in case the applicant continues to file similar applications after applications in the matter in hand, the Court will be left with no alternative than to take appropriate action, including imposition of costs. Leave is rejected. Appeal consequently stands dismissed.

Sd/-
[D. G. KARNIK, J.] [R.M.S. KHANDEPARKAR, J.]

Sd/-